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NEWS

Judge gives plaintiffs in Ohio State Strauss case until Sunday to request his recusal

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A federal judge in Columbus has given plaintiffs in civil lawsuits over sexual abuse by Ohio State University physician Richard Strauss until Sunday to request his recusal from their cases, following his disclosure late last week that his wife's business was licensed to sell OSU merchandise.

U.S. District Judge Michael H. Watson disclosed the licensing agreement during a telephone conference with plaintiffs on Thursday, after he was contacted by NBC News with questions about his impartiality, according to a transcript of the session obtained by The Dispatch.

"... I wanted to reach out to you all first because ethical considerations are the utmost importance to me personally, to the parties and to the public, as well as the federal judiciary as a whole," Watson said, according to the transcript. "The plaintiffs in this case have unquestionably been abused and taken advantage of by Dr. Strauss. But I want to ensure that all parties feel heard by the court."

Judge Watson noted that he had previously disclosed serving as an adjunct professor in OSU's Moritz College of Law in January 2019, and "no party requested my recusal from the case based on that relationship," he said in the transcript.

Ohio State's Moritz College of Law lists Watson as one of its adjunct professors, and his professorship with the university is also included in Watson's federal court biography.

In addition to Watson, six other federal court judges in Columbus are listed on the Moritz College of Law's website as adjunct professors for the university. Ohio State spokesman Ben Johnson said Watson typically teaches one 3-credit hour course each spring and is paid \$13,500, slightly below the standard rate of \$15,000 for federal judges. He is scheduled to teach a course during spring semes 2022.

According to the transcript, Watson noted in the conference call that while he did not “believe disclosure is required by either the Code of Conduct for United States judges or the advisory opinions issued by the Committee on Codes of Conduct interpreting the code,” he was doing so anyway.

Watson's wife purchased a decades-old business, The Flag Lady's Flag Store on North High Street in Clintonville, from her mother in 2017. The store sells Ohio State flags.

The Flag Lady's Store one of 400 businesses around the nation licensed to sell Ohio State merchandise, said Johnson.

"The Flag Lady's Flag Store has been an Ohio State licensee for decades," Johnson said.

Johnson said licensees pay the university a royalty for the right to use Ohio State trademarks, such as the Block O.

“Importantly, the reporter who submitted the question was under the belief that my wife’s business has a lucrative contract with Ohio State, and I want to point out that my wife is a licensee through OSU trademark and licensing and the contract is a license agreement,” Watson told the parties, according to the transcript. “To be clear, the licensing agreement merely permits her business to manufacture and sell to the public OSU authorized trademark merchandise and her small business pays a 12% royalty to the university for each” trademarked item sold.

Johnson said the university purchases products and services from the Flag Lady's Flag Store separate from its licensing agreement. The flag shop is one of Ohio State's 34,000 vendors, he said.

"The university is proud to support many local businesses and spent less than \$16,000 at the store in fiscal year 2021," Johnson said. "All purchases were approved by University Purchasing in accordance with applicable rules and regulations."

Watson added during the conference call that, “Neither my wife nor I have a financial interest in Ohio State University... Therefore, my wife’s business dealing with the university does not ethically mandate my recusal from cases involving the university.”

However, given the questions and any appearance of impropriety, Watson formally disclosed the information during Thursday’s conference call and gave plaintiffs 10 days — until Sunday — to request his recusal.

Otherwise, Watson has scheduled a noon hearing on Sept. 21 for oral arguments on a statute of limitations issue in a Strauss lawsuit.

In 2019, investigators hired by Ohio State concluded that Strauss sexually abused at least 177 students between 1979 and his retirement in 1998, and that university personnel repeatedly failed to act. Lawsuits filed since then against the university indicate that the number of victims was much higher.

At last count in the university's 2019 crime report, Ohio State reported 1,429 instances of fondling and 47 instances of rape by Strauss.

Strauss died by suicide in 2005. No one has publicly defended him since alumni began coming forward with allegations in 2018.

In May, Ohio State announced it would offer an individual settlement program to some plaintiffs in five recent outstanding lawsuits against the university. The program excluded plaintiffs in lawsuits filed after the program was announced from participating in the settlements. The deadline to join that settlement program expired earlier this month.

Thursday's telephone conference came a week after one plaintiff filed notice that he was rejecting OSU's settlement officer.

Rocky Ratliff, a former OSU wrestler and now an attorney representing himself in the lawsuit, called the university's individual settlement program "a direct attack to embarrass and belittle said plaintiff as he has put his name on this lawsuit and has spoken to the media about his claims in an effort to educate the citizenship," according to the Sept. 3 filing. "His actions should be commended, not dismissed ... The plaintiff rejected the Strauss Individual Settlement Program and refused to allow the facilitators of his abuse to dictate the settlement, as in what world other than of the Scarlet and Gray is the abuser allowed to dictate such terms to their abused?"

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